

Introduced by Senator La Malfa

February 18, 2011

An act to amend Section 2807 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 700, as introduced, La Malfa. Corrections: Prison Industry Authority.

Existing law provides that there is in existence within the Department of Corrections and Rehabilitation the Prison Industry Authority under the direction of the Prison Industry Board. Under existing law, the authority has jurisdiction over the operation of all industrial, agricultural, and service enterprises employing prisoners in institutions under the jurisdiction of the department and has the power to establish new enterprises which it deems appropriate.

Under existing law, products made by enterprises under the authority's jurisdiction are required to be purchased by the state or a state agency, and may be purchased by a local agency or by a state agency to be offered for sale to persons residing in state-operated institutions at prices fixed by the authority.

This bill would provide that, notwithstanding requirements imposed on state agencies to purchase authority products, the Department of Corrections and Rehabilitation shall not be restricted from entering into contracts with private entities or other public agencies for locally produced perishable goods provided at a lower price than the price available from the authority, provided that the contract is to provide these goods to a facility that is located in a county with a population of 50,000 or less.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2807 of the Penal Code is amended to
2 read:

3 2807. (a) The authority is hereby authorized and empowered
4 to operate industrial, agricultural, and service enterprises which
5 will provide products and services needed by the state, or any
6 political subdivision thereof, or by the federal government, or any
7 department, agency, or corporation thereof, or for any other public
8 use. Products may be purchased by state agencies to be offered
9 for sale to inmates of the department and to any other person under
10 the care of the state who resides in state-operated institutional
11 facilities. Fresh meat may be purchased by food service operations
12 in state-owned facilities and sold for onsite consumption.

13 (b) All things authorized to be produced under subdivision (a)
14 shall be purchased by the state, or any agency thereof, and may
15 be purchased by any county, city, district, or political subdivision,
16 or any agency thereof, or by any state agency to offer for sale to
17 persons residing in state-operated institutions, at the prices fixed
18 by the ~~Prison Industry Authority~~ authority. State agencies shall
19 make maximum utilization of these products, and shall consult
20 with the staff of the authority to develop new products and adapt
21 existing products to meet their needs.

22 (c) *Notwithstanding subdivision (b), the requirements imposed*
23 *on state agencies to purchase authority products, make maximum*
24 *utilization of these products, and consult with the staff of the*
25 *authority to develop new products and adapt existing products to*
26 *meet its needs shall not restrict the Department of Corrections*
27 *and Rehabilitation from entering into contracts with private entities*
28 *or other public agencies for locally produced perishable goods*
29 *provided at a lower price than the price available from the*
30 *authority, provided that the contract is to provide these goods to*
31 *a facility that is located in a county with a population of 50,000*
32 *or less.*